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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI`I

UNITED STATES OF AMERICA, and	)	
DEPARTMENT OF HEALTH, STATE OF	)	NO. CV 06-00140 SPK BMK
HAWAI`I	)	
Plaintiffs,	)	PLAINTIFFS' JOINT [PROPOSED]
	)	ORDER APPROVING ENTRY OF
	)	CONSENT DECREE
v.	)	
	)	
JAMES H. PFLUEGER; PFLUEGER	)	Date: June 16, 2006
PROPERTIES; AND PILA`A 400 LLC,	)	Time: 2:00 p.m.
	)	
Defendants.	)	Hon. Barry M. Kurren
	)	Courtroom No. C6

Upon consideration of Plaintiff United States of America's Motion to Enter Consent Decree and the joinder therein of the State of Hawai'i, good cause having been shown, it is hereby ORDERED that

1. The Consent Decree is approved and shall be entered as a judgment of the Court herewith; and

2. Nothing in the Consent Decree shall be deemed (1) any admission of fault or liability of any kind or nature whatsoever, or (2) any release of or waiver of any: non-water pollution claims or defenses of any kind or nature whatsoever with regard to or concerning the Kaloko Reservoir breach of March 14, 2006, and/or any loss of or damage to life or property, caused by, flowing from, or relating to the Kaloko Reservoir breach of March 14, 2006.

Dated: \_\_\_\_\_

HON. BARRY M. KURREN  
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that, on May 26, 2006, by the methods of service noted below, a true and correct copy of the foregoing was served on the following:

Served Electronically through CM/ECF:

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Dated: May 26, 2006

/S/DAVID B. GLAZER  
DAVID B. GLAZER